



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3011443
Applicant: Christina Bollo of SMR Architects for Mercy Housing NW
Address: 4484 Martin Luther King Jr. Way S.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story, 52 units residential building with parking for 26 vehicles located at and below grade (Mercy Housing Northwest). Review includes 6,000 cubic yards of grading.

The following approvals are required:

Design Review Departures (SMC Chapter 23.41)

Development Standard Departure to exceed the maximum structure width allowed in Lowrise zones (SMC 23.45.011).

Development Standard Departure to allow less modulation than required in Lowrise zones (SMC 23.45.012).

Development Standard Departure to exceed the maximum area of blank facades in Commercial zones (SMC 23.47A.008.A.2).

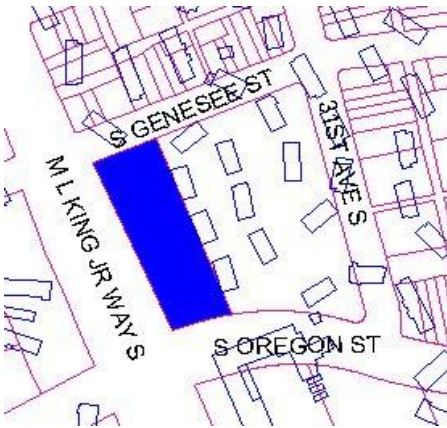
Development Standard Departure to allow residential uses closer to the property line and closer to grade than allowed in Commercial zones (SMC 23.47A.008.D).

Development Standard Departure to allow less setback than required for residential uses adjacent to residential zones (SMC 23.47A.014).

SEPA – Environmental Determination –Chapter 25.05 Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition,
 or involving another agency with jurisdiction.

Current Development:



The existing site is currently vacant. The previous use was low income apartments, until the structures were demolished by 2007 as part of Seattle Housing Authority's Rainier Vista Master Plan for redevelopment. The Rainier Vista Master Plan requires preservation of three mature trees at the Martin Luther King Jr. Way S. street frontage adjacent to this parcel.

The site is relatively flat, with a slight slope from the west down to the east.

Access:

The site is currently vacant and fenced and doesn't include vehicular or pedestrian access. The adjacent street frontages are undergoing improvement for new curbs, gutters, and sidewalks.

The surrounding development includes a mix of newer multi-story mixed-use and residential structures, and older single family residences. The newer structures are primarily within the Rainier Vista development.

The Light Rail line is located in the center of Martin Luther King Jr. Way S, which borders the west side of the site. The nearest light rail stop is approximately two blocks to the south at S. Alaska Street.

Surrounding Development:

The parcels to the east of the site are planned for new townhouses and a community park. This development will likely be constructed prior to the proposed development, but the site is currently vacant. A long driveway that functions as an alley would separate the proposed development from the adjacent future townhouses.

The applicant has identified only part of the subject property as proposed for development. Seattle Housing Authority indicated that they intend to submit a contract rezone application for the northern part of the subject property. The anticipated development of that site would be townhouses.

ECAs:

There are no Environmentally Critical Areas on or adjacent to the site.

Neighborhood Character:

The neighborhood character reflects the recent redevelopment of Rainier Vista and the established single family neighborhood to the east. Areas adjacent to Martin Luther King Jr. Way S. have been redeveloped with mixed-use and residential structures approximately 3-4 stories tall. Mixed-use structures predominantly line Martin Luther King Jr. Way S., with townhouse and single family structures to the east and west. The Boys and Girls Club is a newer two story structure that is located south of the subject property, at S. Oregon St and Martin Luther King Jr. Way S.

The more established single family development to the east consists of 1-3 story single family residential structures in a range of ages. The center of the Columbia City neighborhood is located approximately ½ mile to the southeast of this site.

The neighborhood is well served by transit (both light rail and bus) and pedestrian activity appears to be growing with the increase in the amount of residential development, the types of businesses, and community centers and parks.

The topography is relatively level in this area from north to south. The neighborhood slopes downhill to Rainier Ave S., and steeply uphill to Beacon Hill. The Cheasty greenbelt and Cheasty Boulevard separates this area from the Beacon Hill area to the west.

PROJECT DESCRIPTION

The proposed development includes a four story low income residential development with structured and below grade parking. The total proposal includes approximately 52 residential units. The applicant preferred option includes a building entry at the southwest corner and vehicular access from the private alley at the east façade.

ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: January 11, 2011

DESIGN DEVELOPMENT

Three alternative design schemes were presented. All of the options included a four story residential building, an approximately 22' setback at the east façade, retention of the mature trees at Martin Luther King Jr. Way S., two secondary residential entries at the east façade, and the

garage access from the private alley near the north end of the site. Two pedestrian paths were proposed at the east and west sides of the building, which is a modification of the Rainier Vista Master Plan that identified an east-west pedestrian connection through this site.

The first scheme (Option A) included the primary residential entry near the southwest corner, with the entry doors facing south. A community room was proposed at the southwest corner. The proposed entry and community room were in response to the Boys and Girls Club location across the street (S. Oregon St.). The façade modulation grouped the mass visually into four building bays, with one large bay near the center of the façade. Modulation and articulation defined narrower building bays to the north and south ends of the building. The west façade was approximately 22' from the west property line.

The second scheme (Option B) proposed a primary residential entry at the west façade near the center of the building, and greater modulation and articulation to emphasize vertical modules. The narrow vertical bay design was inspired by the idea of basalt columns. The primary residential entry was extended to the west, for a setback of 12' from the west property line.

The third scheme (Option C) included an entry and community room configuration similar to Option A, with more modulation and articulation than Option A. The modulation and articulation again used the design parti of basalt columns. The modulation and articulation was intended to blend the Neighborhood Commercial and Lowrise Residential zoned portions of the site into a cohesive design. The west façade was located approximately 22' from the west property line. This was the applicant's preferred option.



PUBLIC COMMENT

Approximately 14 members of the public entered their names on the Sign-In sheet at this Early Design Review meeting. The following comments, issues and concerns were raised:

- Appreciation for the proposed design and the proposed density at this site
- Identification of the mature trees as an asset to the project but also a challenge; the proposed design should relate to the strong street walls nearby on Martin Luther King Jr. Way S. The proposed setback could appear suburban, and not the urban context of this area.

- Support for the mid-building entry at Martin Luther King Jr. Way S.
- Support for the proposed departure for transparency, especially considering the safety concerns of residents in the at-grade units
- Questions about the mix of units and the intended residents for this building
 - The applicant responded that the mix would be 1-2 bedroom units and wouldn't be reserved for any particular age group

FINAL RECOMMENDATION MEETING: May 10, 2011

DESIGN PRESENTATION



The proposal had been modified since EDG to respond to guidance from the Board. The applicant noted the following changes since EDG in response to guidance from the Board:

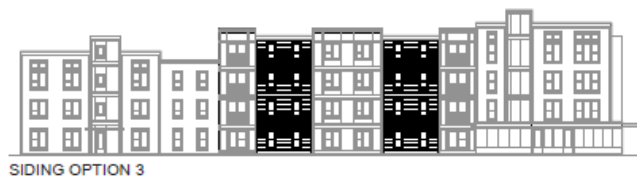
- The west pedestrian path was removed from the area between the building and Martin Luther King Jr. Way S.
- The north edge of the building was extended toward Martin Luther King Jr. Way S. to frame the open space and mature trees near the west property line
- The southeast corner of the building was lowered by one story and set back further to the west and north, to allow more light and air to the east pedestrian path entrance at SW Oregon St, and the proposed townhouses to the east
- The lighting at the east path was designed to create a more “public” feeling, using 12' high light poles similar to others in Rainier Vista



- The applicant explained that this path will be privately owned, but the public is encouraged to use it, as a response to the Rainier Vista Master Plan that showed a mid-block connection through this site.
- The lighting at the west path included bollards and low lighting to create a “private” feeling between the sidewalk and the residential units at grade.
- The base of the building at the east façade was clad in materials consistent with the upper levels of the building, and didn’t include ventilation louvers to the below grade garage.
- The garage was shown as ventilated to the roof.
- The entries were designed with a primary entry at the southwest corner, a secondary but regularly used entry at the southeast corner, and a minor convenience exit for residents at the northwest corner.

Four optional color schemes were shown, including red/cream, red/gray, navy/olive, and navy/olive/red.

Siding was shown as a combination of 12” lap siding on the north and south ends of the building, board and batten on some of the building bays, and a variety of lap siding on some of the remaining building bays.



The applicant explained that the intent of the colors and materials is to emphasize a few varieties of building modules that repeat across the length of the façade (“anchors” at the north and south ends, with “towers” and “gaskets” in the middle)

Three siding options were shown for the building bays between two towers. The options included a variety of changes in the height of lap siding from the bottom to the top of the building bays.

A new landscape plan was shown, with hand-dug and carefully planted small shrubs in the mature tree protection areas; a low seating wall adjacent to the southwest entry; lower linear plantings at the west façade for security; trees in front of bedroom windows for privacy; and

varied plantings and trees at the north, south, and east facades for visual interest and buffering. No fences are proposed.

Proposed departures included structure depth for the north (Lowrise zone) portion of the building, reduction in required modulation for the north (Lowrise) portion of the building, blank facades above grade at SW Oregon St, and a reduction in the required setback at the southeast corner of the building. See discussion of departures at the conclusion of this report.

PUBLIC COMMENT

Approximately nine members of the public attended this Design Recommendation meeting. The following comments, issues and concerns were raised:

- The proposed departures are related to Land Use Code requirements for commercial uses in this zone, and the proposed development is residential only, so the departures make sense
- Having a primary entry and downplaying other entries is important for privacy of residents and safety, so the proposed southwest entry design is good
- The mature trees have to be saved, so plantings in the critical root zone should be minimized and done by hand
- The design at the north end and the southeast corner of the building are positive responses to the future Seattle Housing Authority development to the north and east
- Any color scheme aside from the gray and red combination is preferred.
- Preference for the third siding option with a change in the lap siding from lower to upper floors

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting, design guidance and recommendations. The Board identified the Citywide Design Guidelines of highest priority for this project.

A. Site Planning

- A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**

At the Early Design Guidance Meeting, the Board noted that the mature trees at Martin Luther King Jr. Way S. present a challenge in massing alternatives for the site.

Given the requirement to save the trees, the design should be organized into massing that frames the open space at the west façade. The pedestrian path should be removed from the proposal north of the building entry, and the setback should be landscaped in a way

that creates a functional and visually interesting transition between the sidewalk and the residential units at grade. The path that connects the building entry with the sidewalk should respond to the bus stop location on Martin Luther King Jr. Way S.

For the Recommendation stage, the applicant should show the anticipated development on the north portion of the site to be developed by Seattle Housing Authority. The proposed design should respond to the future development's massing and setbacks.

At the Final Recommendation Meeting, the Board noted that the design response that showed the extension of the northern portion of the building toward Martin Luther King Jr. Way S. is a positive response to guidance from EDG. The extension of this building bay framed the street frontage and mature trees at the west façade. The setback was landscaped to provide privacy and security.

The Board expressed some concern about the minimal design for the northwest entry and relationship to the bus stop, but accepted the applicant's rationale for hierarchy of entries. The Board recommended a condition to enhance the southwest and southeast entries, as described in response to Guideline D-1.

The proposal meets this guideline, subject to the conditions listed below.

- A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**
Guidance and recommendation reflects the comments in response to Guideline A-1.

- A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

At the Early Design Guidance Meeting, the Board was concerned with the proposed massing at the southeast corner, in relation to the pedestrian connection at the east façade and the proposed townhouse development immediately to the east. This pedestrian connection is especially important because it will provide a link between the Boys and Girls Club across the street to the south, and the park that will be developed on the northeast portion of this block.

The Board directed the applicant to pull back the massing at the southeast corner to provide additional light and air, and sense of entry for pedestrians using this path.

At the Final Recommendation Meeting, the Board expressed some concern that a departure from the required setback was proposed at this corner, but recognized the reduction of the height of the southeast corner and the additional setback from the south and east property lines. The Board recommended a condition to enhance the southeast entry in order to emphasize the entry to the east pedestrian path, as described in response to Guideline D-1.

The proposal meets this guideline, subject to the conditions listed below.

A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

At the Early Design Guidance Meeting, the Board directed the applicant to provide a landscaped buffer in the west setback, and coordinate the pedestrian paths and building entry with the bus stop at the west façade. This guidance also relates to the statements in response to Guidelines A-1 and A-2.

At the Final Recommendation Meeting, the Board noted appreciation for the landscaped buffer on the west façade, and understood the rationale for emphasizing the southwest entry. The Board recommended a condition to improve connection between the southwest entry and the sidewalk in order to provide a more direct route of travel for residents to the bus stop, as described in response to D-1.

The Board also discussed the south façade and residential units close to grade at that facade. The Board recommended a condition to raise the window sill heights of those units to be at least 4' above grade.

The proposal meets this guideline, subject to the conditions listed below.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

Guidance and recommendations reflect the comments in response to Guideline A-6.

B. Height, Bulk and Scale

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

At the Early Design Guidance Meeting, the Board noted that the proposed modulation and its articulation should have a low contrast color palette and subtle range of textured materials. The high degree of modulation combined with contrasting colors and contrasting textures could make the façade appear to be larger in scale or visually confusing. The applicant should work to coordinate these items into a cohesive design, and a bulk and scale that complements nearby development.

The Board also noted that the garage wall at the east façade will be visible above grade, due to the grade change across the site. This garage wall will border the proposed east pedestrian path, so it is particularly important to provide human scale at that level. The proposed design should include surface treatment of the east garage wall to provide human scale through a visually interesting texture or other permanent treatment.

Comments related to the southeast corner height, bulk and scale can be found in response to Guideline A-5.

At the Final Recommendation Meeting, the Board discussed the proposed combination of colors and materials, and expressed some concern about the siding options in

combination with the color options. The Board recommended that the siding on the building bays shown on page B10 of the packet should have one consistent application of siding, and not a combination of lap siding. The Board discussed the four possible color schemes, and recommended that the fourth option with the navy blue/olive/red combination would create too much visual confusion, but any of the other three schemes could be cohesive with the overall design.

The Board discussed the siding on the garage wall, in combination with the landscaping and ventilation methods, and noted that the proposed design responds well to the Early Design Guidance.

The proposal meets this Guideline, subject to the recommended conditions.

C. Architectural Elements and Materials

- C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

At the Early Design Guidance Meeting, the Board expressed appreciation for the proposed ideas regarding materials and architectural character that differs from the nearby development. The Board supported the design direction regarding these items, and also noted that the proposed design should respond to the future context of massing and site planning for the adjacent developments.

At the Final Recommendation Meeting, the Board noted that the colors and siding materials should be applied to enhance the proposed modulation, and not create too much variety and visual confusion, as described in response to Guideline B-1. The proposal meets this Guideline, subject to the recommended conditions.

- C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

Guidance and recommendation reflect those found in response to Guideline B-1, regarding proposed materials and colors related to the modulation.

- C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

Guidance and recommendation reflect those found in response to Guideline B-1, regarding proposed materials and colors related to the modulation.

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

Guidance and recommendation reflect those found in response to Guideline B-1, regarding proposed materials and colors related to the modulation.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

At the Early Design Guidance Meeting, the Board discussed the need for careful design of the pedestrian areas and open spaces at the west and east facades.

The east path should be well lit, with landscaping to soften the garage wall façade, and interesting and high quality walking surfaces and façade treatments. The 'pinch point' at the southeast corner should be modified to provide additional light and air between the proposed southeast corner and the adjacent future townhouses. Additional comments related to this item are found in response to Guideline A-5.

The west façade will include a setback between the sidewalk and the residential units at grade. This area should be landscaped and the proposed path should be removed. Additional comments related to this item are found in response to Guidelines A-1 and A-2.

At the Final Recommendation Meeting, the Board responded that the hierarchy of entries makes sense, with a focus on the southwest and southeast entries. However, the Board noted some concerns with the southwest and southeast entries.

The southwest entry offers a direct path from the building entry to SW Oregon St, but no direct path from the entry to Martin Luther King Jr. Way S, and the bus stop and sidewalk on that street frontage. The Board expressed concern that pedestrians will cut across the landscaping in order to create a direct path to these destinations. The Board therefore recommended a condition to add paved or hardscape areas for pedestrians to provide more direct access from the southwest entry to the sidewalk at Martin Luther King Jr. Way S. Paver stones would be acceptable if the grade change makes additional concrete difficult.

The southeast entry is intended to draw residents to and from the east path. The applicant noted that this will be another primary entry for residents, but they don't want to encourage seating areas near the entry, in order to enhance security and provide clear paths for pedestrians. The Board noted that this entry needs to be emphasized more as a primary entry, and recommended a condition to enhance the entry with more glazing, light fixtures, signage, and/or an extended overhead canopy. The design of this entry should be related to the design of the southwest entry, since they are both primary entries to the building.

The proposal meets this Guideline, subject to the recommended conditions.

- D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.**

Guidance and recommendation reflects comments found in response to Guideline B-1, regarding the east garage wall surface treatment.

- D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.**

Guidance and recommendation reflects comments found in response to Guideline B-1, regarding the east garage wall surface treatment and proposed ventilation through the roof of the building.

- D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

At the Early Design Guidance Meeting, the Board discussed the need for actual and perceived safety and security at the east path. The proposed design of this area should be well lit and the east pedestrian entries should be emphasized to provide human activity and “eyes on the street” at this location.

At the Final Recommendation Meeting, the Board discussed the proposed landscaping and lighting at the east path. The Board recommended a condition to enhance the southeast entry to provide “eyes on the street” and an increased sense of security at that area, as described in response to Guideline D-1.

The Board also discussed the proposed departures in relation to the residential units at grade on SW Oregon Street. The Board noted that privacy and security will be important for these residents, and recommended a condition to raise the window sills of those units to be at least 4’ above grade.

The proposal meets this Guideline, subject to the recommended conditions.

- D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian street front.**

At the Early Design Guidance Meeting, the Board noted that the private alley will function as an alley and is also intended for pedestrians. Comments related to surface materials, façade treatments, landscaping, and lighting reflect those in response to Guidelines A-5, B-1, D-1, D-5, and D-7.

At the Final Recommendation Meeting, the Board discussed the proposed east path design adjacent to the private alley and the southeast building entry. The Board recommended conditions to enhance the southeast entry, as described in response to Guideline D-1. The proposal meets this Guideline, subject to the recommended conditions.

- D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

Comments reflect those found in response to Guidelines A-1, A-2, and A-7 related to the primary west pedestrian entry. Comments also reflect those in response to Guideline D-7, regarding the design of the east pedestrian entrances to the building.

At the Final Recommendation Meeting, the Board recommended conditions to enhance the southwest and southeast residential entries, as described in response to Guideline D-1. The Board also recommended a condition related to the window sill height of street level residential units at SW Oregon Street, as described in response to Guideline D-7.

The proposal meets this Guideline, subject to the recommended conditions.

E. Landscaping

- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

At the Early Design Guidance Meeting, the Board discussed the importance of landscaping in the west setback and at the east pedestrian path. Comments reflect those found in response to Guidelines A-1, A-2, and D-1.

At the Final Recommendation Meeting, the Board appreciated the variety of landscaping and seating areas at the east path and the west landscape. The Board recommended a condition to provide additional hardscape areas at the southwest entry to allow direct pedestrian paths to Martin Luther King Jr. Way S and the bus stop at that street frontage, as described in response to Guideline D-1. The proposal meets this Guideline, subject to the recommended conditions.

- E-2 Landscaping to Enhance the Building and/or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

Guidance and recommendation reflects comments found in response to Guideline E-1.

- E-3 Landscape Design to Address Special Site Conditions.** The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Guidance and recommendation reflects comments found in response to Guideline E-1.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures was based upon the departure's potential to help the project better meet the design guideline priorities and achieve a better overall design than could be achieved without the departures.

- 1. Structure width and depth (L-4/RC zones) (23.45.011):** The Code requires a maximum structure depth of 65% of the lot area for apartments in Lowrise 4 zones. The applicant proposes 70% structure depth. The result would be a 77'3" deep building, instead of the maximum 71'8" allowed.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines B-1, C-1, C-2, C-3, D-1, and E-3, as conditioned below, by allowing the north portion of the building to extend to the west. This extension will frame the large landscaped setback area at the west facade, while allowing a sufficient tree protection area and enhancing privacy for residents.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

- 2. Modulation requirement (L-4/RC zones) (23.45.012):** The Code requires modulation for facades more than 30' wide with no principal entrance facing the street. If modulation is required, it shall be at least 8' deep. The applicant proposes a 44' wide façade with some varied modulation, but not enough to meet minimum modulation depth.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines B-1, C-2, and C-3, as conditioned below. The Board noted that the proposed design includes a large amount of modulation, and the proposed departure will provide a consistent design between the L-4 and NC zoned portions of the building.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

- 3. Blank Facades (NC zones) (23.47A.008.A.2):** The Code requires a maximum of 20' wide blank facades in areas 2' to 8' above the sidewalk. These areas may not exceed 40% of the façade width. The applicant proposes allow 30' wide blank facades at SW Oregon Street façade, with a total of 44% of that street frontage as blank façade between 2' to 8' above the sidewalk.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines D-7 and D-12, as conditioned below. The Board noted that the proposed design would provide privacy for residents at grade at this street frontage, and recommended placing the south facing residential window sills at least 4' above grade. If this change results in additional departures for blank facades at this street frontage, the Board was supportive of those departures.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

4. **Street level development standards (NC zones) (23.47A.008.D):** The Code requires residential street-level street-facing units to be set back 10' from the property line, or raised or lowered 4' from grade. The applicant proposes to allow one of the residential units at SW Oregon Street to be within 2' of grade and set back 6' from the sidewalk.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines D-12 and E-2, as conditioned below. The Board noted that the proposed design and landscaping would provide privacy for residents at grade at this street frontage, and recommended raising the south facing residential window sills to 4' above grade to further enhance privacy for residents at street level.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

5. **Setback requirements (NC zones) (23.47A.014):** The Code requires a setback of 10' for structures above 13' high and adjacent to a residential zone. This requirement applies at the east façade near SW Oregon Street, adjacent to the proposed townhouses to the east. The applicant proposes to allow an 8'3" setback in this area.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines B-1 and C-2, as conditioned below. The Board noted that the proposed combination of setbacks from grade to the third story, with additional setback at the fourth story, provides a more generous pedestrian path than the code requirement. The angled property line makes the departure necessary at the southeast corner, but the setback is exceeded at grade and in the east façade for most of the building. The Board recommended a condition to enhance the southeast entry to further encourage use of this pedestrian path, as described in response to Guideline D-1.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated May 10, 2011 and the materials shown and verbally described by the applicant at the May 10, 2011 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and initial recommendation conditions, and reviewing the plans and renderings, the five Design Review Board members recommended APPROVAL of the subject design and the requested development standard departure from the requirements of the Land Use Code

(listed above). The Board recommends the following CONDITIONS (Authority referred in the letter and number in parenthesis):

1. Raise the south facing street level residential unit window sill heights to be at least 4' above grade. (A-6, A-7, D-7, D-12)
2. Revise the building bays shown on page B10 of the packet to include only one consistent type of siding, instead of a variety of height of lap siding. (B-1, C-1, C-2, C-3, C-4)
3. Revise the color scheme to reflect one of the color schemes shown on pages B06, B07, or B08 of the Design Recommendation packet. (B-1, C-1, C-2, C-3, C-4)
4. Add paved or hardscape areas for pedestrians to provide more direct access from the southwest entry to the sidewalk at Martin Luther King Jr. Way S. (A-1, A-2, A-5, D-1, D-8, D-12, E-1, E-2, E-3)
5. Enhance the southeast entry with additional glazing, light fixtures, signage, and/or an extended overhead canopy. (A-1, A-2, A-5, D-1, D-8, D-12)

Applicant response to Design Review Board Recommended Conditions:

1. The applicant has modified the MUP plan set to show the south facing street level residential window sills at least 4'2" from grade to the window sill. This recommended design review condition has been satisfied.
2. The applicant has modified the east and west-facing building bays shown on page B10 of the packet to include only one consistent type of siding, instead of a variety of height of lap siding. This recommended design review condition has been satisfied.
3. The applicant has modified the MUP plan sets to reflect the reds and creams color scheme shown on page B06 of the packet. This recommended design review condition has been satisfied.
4. The applicant has modified the MUP plan set to add some pavers adjacent to the sidewalk area on S. Oregon St, wrapping the corner to Martin Luther King Jr. Way S. The pavers add minimal direct pedestrian connection from the entry to the sidewalk at Martin Luther King Jr. Way S. Additional pavers are needed to meet the recommended design review condition, per Design Review Recommendations related to Guidelines A-1, A-2, A-5, D-1, D-8, D-12, E-1, E-2, E-3. The pavers should be added wherever possible between the southeast entry and the sidewalk at Martin Luther King Jr. Way S., outside of the critical tree root protection zone. A correction letter has been sent with this land use correction item.
5. The applicant has modified the southeast entry to include additional glazing in a storefront entry system to match the southeast entry, a wider canopy above the entry, and additional landscaping adjacent to the entry. This recommended design review condition has been satisfied.

DECISION – DESIGN REVIEW

The proposed design and Development Standard Departures are **CONDITIONALLY GRANTED**, subject to the conditions listed below.

SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated February 8, 2011. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted for most impacts, pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). Further discussion and mitigation of some impacts is warranted, as listed below.

Short Term Impacts

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a building permit.

DETERMINATION OF NONSIGNIFICANCE

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ☐ There is no comment period for this DNS.
- ☒ This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- ☐ This DNS is issued under WAC [197-11-340](#)(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

CONDITIONS OF APPROVAL

Prior to Issuance of a Master Use Permit

1. The MUP plan sets shall be modified to show additional pavers in the area between the southeast entry and the sidewalk at Martin Luther King Jr. Way S., per Design Review Recommendations related to Guidelines A-1, A-2, A-5, D-1, D-8, D-12, E-1, E-2, E-3.

Prior to Issuance of a Building Permit

2. If the applicant intends to work outside of the limits of condition #3 below, a Construction Noise Management Plan shall be required, subject to review and approval by DPD.

During Construction

3. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

Prior to Certificate of Occupancy

4. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting, the Master Use Plan sets, and the drawings provided by the applicant. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
5. The applicant shall provide a landscape certificate from Director's Rule 6-2009, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

6. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Signature: _____ (signature on file) Date: June 2, 2011
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

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